



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,461	02/10/2004	Todd Vernon	45098.00011.UTL1	3587

36183 7590 08/25/2005

PAUL, HASTINGS, JANOFSKY & WALKER LLP
P.O. BOX 919092
SAN DIEGO, CA 92191-9092

EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,461

Applicant(s)

VERNON ET AL.

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17, 20-29 and 31-42 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18, 19 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 7, 10-17, 20-29, 31, 32, 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Roseman '636.

Roseman '636 discloses a multimedia conferencing system, where multiple parties are linked by audio and video, Abstract. The 2nd to last sentence in Roseman's Abstract discloses that "any party may modify the display, by 'writing' on it, or by pointing to different parts of it; the other parties can see the modifications." In col. 11, lines 18-23, Roseman discloses that documents may be shared in the conference room by placing them on the table, by dragging an icon of the object from the users non-meeting room window onto the table. If the object owner wishes, the object may be copied, borrowed by others, or given to others. The object may be altered by anyone given permission to do so. In lines 33-37 of col. 11, Roseman discloses that object manipulation is achieved by users individually. Each users pointer may be used simultaneously for drawing, typing pointing, writing, etc. In lines 38-48 of col. 11, Roseman discloses that the room may be used to impose discipline on the meeting procedure. The room would require that certain procedural issues be followed before allowing a vote, or before someone was allowed to speak. In col. 12, lines 29-45,

Roseman discloses that "the requestor may wish to hold a conference wherein ideas are freely exchanged among the participants."

Therefore, Roseman allows each of the conference's participants an "equal privilege level", as per claim 2. Regarding claim 3, Roseman discloses @ col. 11, lines 44-46, that "[w]ithin the room a talking queue might be built so that only one person would speak at a time, followed by the next person and so on." This meets applicant's limitation of allowing the participants to be in a "presenter role," as per claim 3. For claim 4, see Roseman @ col. 11, lines 18-30. For claim 6, see Roseman @ col. 12, lines 40-45. For claim 10, see Roseman's discussion of "object manipulation" in col. 11, lines 33-37. For claim 11, see Roseman's @ col. 3, lines 14-17. The central, host, computer is the server. For claim 12, see Roseman's discussion of sub-conferencing (whispering) @ col. 9, lines 15-21. For claim 23, see Roseman's col. 8, lines 40-65. For claims 27 & 28, Roseman discloses @ col. 8, lines 53-55, that 'participants can order their own recordings of selected time intervals. This "selected time intervals" reads upon applicant's recitation of information displayed in the live history section can be independently adjusted by the participant. Regarding claim 31, the formats which the user has to choose from are audio and visual.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosaman '636.

Roseman discloses "icons" and double-clicking to actuate a program in col. 12, lines 12-13. A person having ordinary skill in the art with this reference in front of them would have it obvious to have utilized an icon to represent any of a multitude of different objects

Claims 8, 9, 18, 19, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 makes no sense. What does applicant mean by a "synch to presenter feature".

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

10 AUG '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith", with a long horizontal flourish extending to the right.

Creighton H Smith
Primary Examiner
Art Unit 2645